

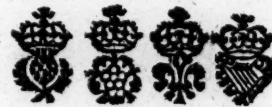
1673  
242

# LAWS and ACTS Passed in the Second SESSION of the First PARLIAMENT, Of our most High and Dread SOVERAIGN, CHARLES

THE SECOND,  
By the Grace of GOD, King of Scotland, *England*,  
*France* and *Ireland*, Defender of the Faith.

*Holden at Edinburgh by the Noble Lord, John  
Earl of Middleton, Lord Cleremont and  
Fettercairn, His MAJESTIES  
Commissioner.*

From the eight day of *May* to the ninth of  
*September*, 1662.



E D I N B U R G H,  
Re-printed by Andrew Anderson, Printer to the King's most  
Excellent MAJESTY, Anno D<sup>o</sup>M. 1673.

CUM PRIVILEGIO.





*LAWs and ACTS past in the second SESSION of  
the first PARLIAMENT of our most High and Dread  
Sovereign, CHARLES the Second, by the  
Grace of GOD, King of Scotland, England,  
France and Ireland, Defender of the Faith.*

Begun at Edinburgh upon the eighth of May, and continued  
to the ninth of September, 1662.

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**ACT for the Restitution and Re-establishment of  
the ancient Government of the Church by  
Archbishops and Bishops.**



Orasmuch as the ordering and disposal of the external Government and policy of the Church, doth properly belong unto His *Majesty*, as an inherent right of the Crown, by virtue of His Royal Prerogative and Supremacy in causes Ecclesiastical. And in discharge of this Trust, His *Majesty*, and His Estates of Parliament, taking to their serious consideration, that in the beginning of, and by, the late rebellion within this Kingdom, in

the year, one thousand six hundred and thirty seven, the ancient and sacred Order of Bishops was cast off, their Persons and Rights were

injured and overturned, and a seeming parity among the Clergy factiously and violently brought in, to the great disturbance of the publick Peace, the reproach of the reformed Religion, and violation of the excellent Laws of the Realm, for preserving an orderly subordination in the Church: And therewithall considering, what disorders and exorbitances have been in the Church, what encroachments upon the Prerogative and Rights of the Crown, what usurpations upon the Authority of Parliaments, and what prejudice the liberty of the Subject hath suffered by the invasions made upon the Bishops and Episcopal Government, which they find to be the Church government, most agreeable to the word of God, most convenient and effectual for the preservation of Truth, Order and Unity, and most suitable to Monarchy and the Peace and Quiet of the State. Therefore, His *Majesty*, with advice and consent of His Estates of Parliament, hath thought it necessar, and accordingly doth hereby Redintigrat the State of Bishops to their ancient places and undoubted privileges in Parliament, and to all their other accustomed Dignites, Priviledges and Jurisdictions; And doth hereby Restore them to the exercise of their Episcopal Function, presidence in the Church, power of Ordination, inflicting of Censures, and all other Acts of Church-discipline, which they are to perform, with advice and assistance of such of the Clergy as they shall find to be of known loyalty and prudence. And, His *Majesty*, with advice foresaid, doth Revive, Ratifie and Renew all Acts of any former Parliaments, made for the establishment, and in favours of this ancient Government. And doth Ratifie and Approve all Acts and Proclamations emitted by His *Majesty* or His Privy Council, since the first day of *June* last, in order to the restitution of Bishops. And further it is hereby Declared, that whatever shall be determined by His *Majesty*, with advice of the Archbishops and Bishops, and such of the Clergy as shall be nominated by His *Majesty*, in the external Government and policy of the Church (the same consisting with the standing Laws of the Kingdom) shall be valide and effectual. And His *Majesty*, considering how necessar it is, that all doubts or scruples, which from former Acts or Practices may occur to any concerning this sacred Order, be cleared and removed, Doth therefore, of certain knowledge, and with advice foresaid, Rescind, Cals and Annull all Acts of Parliament, by which the sole and onely power and jurisdiction within this Church, doth stand in the Church, and in the general, provincial and presbyterian Assemblies, and Kirk-sessions; And all Acts of Parliament or Council which may be interpreted to have given any Church-power, Jurisdiction or Government, to the Office-bearers of the Church, their respective Meetings, other then that which acknowledgeth a dependence upon, and subordination to, the sovereign Power of the King, as Supreme; and which is to be regulated and authorized, in the exercise thereof, by the Archbishops and Bishops, who are to put order to all Ecclesiastical matters and causes, and to be accountable to His *Majesty* for their administrations. And particularly, His *Majesty*, with advice foresaid, doth Rescind and Annull the first Act of the twelfth Parliament

ment of King James the sixth, holden in the year, one thousand five hundred and ninety two ; and Declares the same, and all the heads, clauses and articles thereof, void and null, in all time coming. And His *Majesty*, considering, that the jurisdiction of the Commissariots is a proper part of the Rights and Priviledges belonging to the Bishops, Doth therefore, with advice foresaid, Restore the Archbishops and Bishops to their said jurisdiction of Commissariots, according to the sixth act of the Parliament one thousand six hundred and nine, which is hereby Ratified and renewed: And accordingly Ordains, that in all time coming the Quotes of Testaments be payed in to the Archbishops and Bishops, in their respective Diocesses, as formerly ; and Refinds and Annulls the twenty eight Act of the last Session of this present Parliament, anent the Quotes of Testaments, and Declares the same void in all time coming. It is alwayes hereby Declared, that this Act is without prejudice of the present Commissaries, their Clerks, and Fiscals, their enjoying their places and benefites thereof, conform to their Gifts and Laws of this Kingdom ; unlesse, for their insufficiency or misdemeanors, they be found uncapable of the same. Further, His *Majesty*, with advice and consent foforesaid, Statutes and Ordains, That no *Act*, *Gift*, *Tack* or *Deed*, passed by whatsoever Authority, since the interruption of the Government by Archbishops and Bishops, in the year one thousand six hundred and thirty seven, to the prejudice of their Rights, Patronages, Admiralties, Superiorities, Rents, Possessions and Jurisdicitions pertaining to the several Bishopricks, stand valide or be in force. But that the saids Archbishops and Bishops may have their Claine, Right and Possession for the year one thousand six hundred and sixty one, and all years following, to whatsoever was possest by, or by the Laws of the Kingdom was due to, their Predecesfors in *anno*, one thousand six hundred and thirty seven, and that notwithstanding of any donation or rights made to Colledges, Churches, Corporations, Ministers, or any other persons since the year, one thousand six hundred and thirty seven, by whatsoever Order, Deed or Warrant, excepting as is aforesaid, in favours of Commissaries, Clerks, and Fiscals: And whereas, divers persons having right to Lands, Annualrents, or some other estate holden formerly of Bishops, or who had succeeded or acquired rights, to the saids Lands, and others of the nature and holding foresaid, have been forced, during the late troubles, there being no other way or superiour for the time, to obtain themselves infest therein, holden of His *Majesty* or His Royal Father, or of their Donators, having right for the time; and to that effect did take Precepts out of the Chancery, and to pass infestments under the great Seal, and to obtain Precepts and Charters from the saids other persons who had right to their Superiorities for the time. And His *Majesty* being graciously pleased, that such Rights and Infestments as, for the time, were necessary and of course taken and past in manner foresaid, should not be prejudged; Therefore it is Statute and Declared, That

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all persons, who, since the beginning of the troubles, in the year one thousand six hundred and thirty eight, are entred or infect by His *Majesty* or His Royal Father, by the pretended Authority for the time; or any other person having right from them in any Land or Estate holden immediatly of the Bishops before the saids troubles, shall now hold the same of the respective Archbishops and Bishops, their lawfull Superiors, in the same manner as they, their Predecessors and Authors, held the same before the late troubles. And it is Declared, That neither this nor any other Act of the last or present Session of this Parliament, shall prejudge any Retours, Signators, Charters, Precepts, Infectments, Seizings of Lands, Annualrents, or any other Estate holden immediately of Bishops, whereby the same are retoured, or Infectments of the same are taken to be holden of the King or His Donators since the time foresaid, upon Retours, Rengnations, Comprisings, Adjudications, or by way of confirmation, or Precepts of *clarè constat* or otherwayes; which Infectments being orderly past as they ought to have been for the time, with the Retours, Signators and other Warrants of the same, His *Majesty*, with consent foresaid, doth Ratifie and Approve, and Declares to be valide Rights, as if the same had been granted or renewed by the saids Archbishops or Bishops. It is always Declared, that the Declaration and Ratification foresaid, shall not be extended to any new Gift or Grant, or any other Clause, or Right contained in the saids Infectments or Signators, or other Warrant of the same, whereby any new Gift or original Rights of the saids Lands and others are given, or the Right of the same is granted or conveyed otherwayes then conform to the Rights and Infectments thereof, before the time aforesaid. Likeas it is Declared, That the said Ratification and Declaration foresaid, shall not corroborat or import any Ratification to the saids Vassals their former Rights, which are to be in the same case as they were in the beginning of the saids troubles, in the year foresaid; In regard it is His *Majesties* intention; likeas it is Declared by His *Majesty*, with consent foresaid, That the Archbishops and Bishops shall be, as to their Patrimony and Rents, in the same case and condition as they were in the year foresaid, notwithstanding of whatsoever Acts of the pretended Parliaments, since the time foresaid, to the contrair; And notwithstanding of whatsoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by vertue of any Act or Acts of the said pretended Parliaments, which His *Majesty*, with consent foresaid, doth Declare, Decern and Determine to be void and null, except in so far as is reserved and ratified in manner above written. It is hereby Declared, That this Act of Restitution shall give no right to any of the saids Archbishops or Bishops or their Successors, nor to the Heirs or Executors of the deceased Bishops, of any Rents belonging to the Archbischopricks or Bishopricks

ricks preceeding the year , one thousand six hundred and sixty one , after the said year one thousand six hundred and thirty eight ; but that all the saids Rents intromettet with by, and pertaining to, such persons as had right thereto for the time, and wherewith they have or might have intromettet , shall be secured to them. As also, all such persons who, *bona fide*, have made payment of their Fewt-duties , Teinds and Teind-duties, and others Rents of their Bishopricks , are and shall be also secured, for by-gones allannerly , free of any action or question, notwithstanding of this present Act or any thing therein contained.

II.

*ACT for preservation of His MAJESTIES Person, Authority and Government.*



He Estates of Parliament taking into their consideration , the miseries , confusions , bondage and oppressions , this Kingdom hath groaned under since the year , one thousand six hundred and thirty seven , with the causes and occasions thereof , Do with all humble duty and thankfulness acknowledge His *Majesties* unparalleled grace and goodness , in passing by the many miscarriages of His Subjects , and restoring the Church and State to

their ancient Liberties , Freedom , Rights and Possessions ; and the great obligations thereby lying upon them to express all possible care and zeal in the preservation of His *Majesties* Person , ( in whose honour and happiness consisteth the good and welfare of His people ) and in the security and establishment of His Royal Authority and Government , against all such wicked attempts and practices for the time to come. And since the rise and progresse of the late troubles , did , in a great measure , proceed from some treasonable and seditious positions infused into the people , *That it was lawful to Subjects , for Reformation to enter into Covenants and Leagues , or to take up Arms against the King or those commissionated by him , and such like :* And that many wilde and rebellious courses were taken and practised in pursuance thereof , by unlawful meetings and gatherings of

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the people, by mutinous and tumultuary Petitions, by insolent and seditious Protestations against His Majesties royal and just Commands, by entering into unlawful Oaths and Covenants, by usurping the name and power of Council-tables and Church-Judicatories, after they were, by His Majesty, discharged, by treasonable Declarations, that His Majesty was not to be admitted to the exercise of his Royal power, until He should grant their unjust desires and approve their wicked practices, by rebellious rising in arms against His Majesty and such as had Commission from Him; and by the great countenance, allowance and encouragement given to these pernicious courses by the multitude of seditious Sermons, Libels and Discourses, preached, printed and published in defence thereof. And considering, that as the present age is not fullie freed of those distempers, so posterity may be apt to relapse therein, if timeous reme~~l~~ be not provided. Therefore the King's Majesty and Estates of Parliament do declare, that these positions, *That it is lawfull to Subjects, upon pretence of Reformation, or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Arms against the King; or that it is lawfull to Subjects, pretending His Majesties Authority, to take up Arms against His Person or those commissionated by Him, or to suspend Him from the exercise of His Royal Government, or to put limitations upon their due obedience and allegiance*, are Rebellious and Treasonable: And that all these Gatherings, Convocations, Petitions, Protestations and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious: And particularly, that these Oaths, whereof the one was commonly called, *The National Covenant*, (as it was sworn and explained in the year one thousand six hundred and thirty eight, and thereafter) and the other entituled, *A Solemn League and Covenant*, were, and are, in themselves unlawfull Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same; and that there lyeth no obligation upon any of the Subjects from the said Oaths, or either of them, to endeavor any change or alteration of Government either in Church or State; And therefore Annulls all Acts and Constitutions, Ecclesiastical or Civil, approving the said pretended *National Covenant, or League and Covenant*, or making any interpretations of the same or either of them. And also it is hereby Declared by His Majesty and Estates of Parliament, That the pretended Assembly, kept at Glasgow in the year one thousand six hundred and thirty eight, was in it self (after the same was by His Majesty discharged under the pain of treason) an unlawful and seditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decrees past therein, or by vertue of any pretended Authority from the same, were in themselves from the beginning, are now, and

and in all time coming, to be reputed unlawfull, void and null: And that all Ratifications or Confirmations of the same, past by whatsoever Authority or in whatsoever Meetings, shall from henceforth be void and null. Likeas, His *Majesty* and Estates of Parliament, reflecting on the sad consequences of these rebellious courses, and being carefull to prevent the like for the future, have therefore Statute and Ordained, and by these presents Statutes and Ordains, That if any person or persons shall hereafter plot, contrive or intend death or destruction to the King's *Majesty*, or any bodily harm tending to death or destruction, or any restraint upon His Royal Person, or to deprive, depose or suspend Him from the stile, honour and kingly Name of the Imperial Crown of this Realm, or any others His *Majesties* Dominions, or to suspend Him from the exercise of His Royall Government, or to levy War or take up Arms against His *Majesty* or any commissionated by Him, or shall entice any strangers or others to invade any of His *Majesties* Dominions; and shall by Writing, Printing, Preaching or other malicious and advised speaking, expreis or declare such their treasonable intentions, every such person or persons, being upon sufficient probation legally convicted thereof, shall be deemed, declared and adjudged Traitors, and shall suffer forfeiture of life, honour, lands and goods as in cases of high Treason. And further, it is by His *Majesty* and Estates of Parliament Declared, Statute and Enacted, That if any person or persons shall, by Writing, Printing, Praying, Preaching, Libelling, Remonstrating, or by any malicious and advised speaking, express, publish or declare any words or sentences to stir up the people to the hatred or dislike of His *Majesties* Royal Prerogative and Supremacy in causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops as it is now settled by Law, or to justifie any of the deeds, actings, practices or things above-mentioned and declared against by this present Act, that every such person or persons so offending; and being, as said is, legally convicted thereof, are hereby declared incapable to enjoy or exercse any place or imployment, Civil, Ecclesiastical or Military, within this Church and Kingdom, and shall be lyable to such further pains as are due by the Law in such cases; Provided alwayes, that no person be processsed for any of the offences aforesaid, contained in this Act, ( other then these that are declared to be high Treason ) unless it be by order from His *Majesty*, or by order of His Privy Council for the time; neither shall they incur any of the penalties above-mentioned, unless they be pursued within eight moneths after the offence committed, and sentenced thereupon within four moneths after the intenting of the Proces. And it is also Declared, That if his *Majesty* grant His pardon to any person convicted for any of the offences contained in this present Act; After such pardon, the party pardoned shall be restored to all intentis and purposes, as if he had never been pursued nor convicted, any thing in this Act to the contrary notwithstanding.

Act concerning such Benefices and Stipends as have been possessed without presentations from the lawfull PATRONS.



He King's most Excellent Majesty being desirous, that all His good Subjects may be sensible of the happy effects and fruits of the Royal Government, by a free, peaceable and enjoyment of their due interests and properties under His protection; and that in His restitution they may find themselves restored to these Rights, which by Law were secured unto them, and by the violence and

unjustice of these late troubles and confusions have been wrested from them: And considering, that notwithstanding the right of Patronages be duly settled and established by the ancient and fundamental Laws and Constitutions of this Kingdom; yet, divers Ministers in this Church have, and do possess Benefices and Stipends in their respective Cures without any Right or Presentation to the same from the Patrons. And it being therefore most just, that the lawfull and undoubted Patrons of Kirks be restored to the possession of the Rights of their respective Advocations, Donations and Patronages; Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, That all these Ministers who entered to the Cure of any Paroch in Burgh or Land within this Kingdom, in or since the year one thousand six hundred and fourty nine (at and before which time the Patrons were most injuriously dispossessed of their Patronages) have no right unto, nor shall receive, uplift nor possess the rents of any Benefice, modified Stipend, Manse or Gleib for this present cropt, one thousand six hundred and sixty two, nor any year following, but their Places, Benefices and Kirks are, *ipso jure*, vacand. Yet, His Majesty, to evidence His willingness to pass by and cover the miscarriages of His people, Doth, with advice foresaid, Declare, That this Act shall not be prejudicial to any of these Ministers in what they have possessed, or is due to them, since their admission: And that every such Minister who shall obtain a Presentation from the lawfull Patron, and have Collation from the Bishop of the Diocese where he lyeth, betwixt and the twentieth of September next to come, shall from thenceforth have right to, and enjoy his Church, Benefice, Manse and Gleib, as fully and freely as if he had been lawfully presented and admitted thereto at his first entry, or as any other Minister within the Kingdom doth or may do. And for that end, it is hereby Ordained, That the respective Patrons shall give Presentations to all the present

Incumbents

Incumbents, who in due time shall make application to them for the same. And in case any of these Churches shall not be thus duly provided before the said twentieth of September, then the Patron shall have freedom to present another betwixt and the twentieth day of March, one thousand six hundred and sixty three ; which if he shall refuse or neglect, the Presentation shall then fall to the Bishop, *jure devoluto*, according to former Laws. And suchlike His Majesty, with advice foresaid, doth Statute and Ordain the Archbishops and Bishops to have the power of new Admission and Collation to all such Churches and Benefices as belong to their respective Sees, and which have vaxed since the year one thousand six hundred and thirty seven : And to be carefull to plant and provide these their own Kirks conform to this Act.

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I V.

*ACT concerning Masters of Universities, Ministers, &c.*



He King's most Excellent *Majesty*, according to the laudable example of His Royal Progenitors in former Parliaments, Doth, with advice and consent of His Estates conveened in this present Parliament, Ratifie and Approve all and whatsoever Acts and Statutes heretofore made, concerning the liberty and freedom of the true Church of GOD, and the Religion now professed and established within this Kingdom : and considering how necessar it is for the advancement of Religion and Learning, for the good of the Church, and peace of the Kingdom, that the Universities and Colleges be provided and served with Professors, Principal, Regents and Masters, well affected to His *Majesty* and the established Government in Church and State ; His *Majesty*, with advice foresaid, Doth Statute, Ordain and Enact, That from this time forth, no Masters, Principal, Regents, nor other Professors in Universities or Colleges within this Kingdom, be admitted, nor allowed to continue in the exercise of any function within the same, but such as are of a pious, loyal and peaceable conversation, submitting to, and owning the Government of the Church by Archbishops and Bishops, now settled by Law ; and who having given satisfaction therein to the Bishops of the respective Diocesses and Patrons, and having, in their presence, taken the Oath of Allegiance, shall procure their attestation of the same ; that is to say, the Professors and other Masters of the Universities of St. Andrews, Glasgow and Aberdeen, to have the approbation & testation of the Archbishops and Bishops, who are the respective Chancellors of the saids Universities ; and the Professors and other Masters

Masters of the New-toun Colledge in *Aberdeen* and Colledge of *Edinburgh*, to have the approbation of the respective Patrons, the Earl of *Marshal*, and Magistrates of *Edinburgh* and *Aberdeen*, and an attestation and certificat under the hand of the Bishops of *Edinburgh* and *Aberdeen*, *respectivè*, that they have taken the Oath of Allegiance, and that they are persons who submit to, and own the Church-governmennt as now settled by Law. Likeas, His *Majesty* finding it necessary for the peace and quiet of the Church, that the Ministers be such as will acknowledge, and comply with, the present Government of the same, Doth therefore, with advice foresaid, Statute and Enact, That whatsoever Minister shall, without a lawfull excuse to be admitted by his Ordinary, absent himself from the visitations of the Diocesse, which are to be performed by the Bishop or some of the Ministers to be appointed by him, or from the diocesian Assembly; or who shall not, according to his duty, concur therein, or who shall not give their assistance in all the Acts of Church-discipline, as they shall be required thereunto by the Archbishop or Bishop of the Diocesse, every such Minister so offending shall, for the first fault, be suspended from his Office and Benefice till the next diocesian Meeting; and if he amend not, shall be deprived, and the Church and Benefice to be provided as the Law alloweth in other cases of Vacancies. And His *Majesty* considering, that under the pretext of Religious exercises, divers unlawfull Meetings and Conventicles (the nurseries of sedition) have been kept in private families; Hath thought fit, with advice foresaid, hereby to Declare, That as He doth, and will, give all due encouragement to the worship of God in families amongst the persons of the family, and others who shall be occasionally there for the time, so He doth hereby Discharge all private Meetings or Conventicles in houses, which under the pretence of, or for, Religious exercises, may tend to the prejudice of the publick worship of God in the Churches, or to the alienating of the people from their lawfull Pastours, and that duty and obedience they owe to Church and State. And it is hereby Ordained, That none be hereafter permitted to preach in publick or in families within any Diocesse, or teach any publick School, or to be Pedagogues to the children of persons of quality, without the licence of the Ordinary of the Diocesse.

## V.

## ACT concerning the Declaration to be signed by all persons in publick Trust.



Orasmuch as it hath pleased Almighty God, in His *Majesties* Restitution to His Royall Government, to restore this Kingdom to its ancient liberties and peace, and to deliver His *Majesties* good Subjects from these miseries and bondage whereby they have been oppressed, during these troubles; And the Estates of Parliament, finding themselves obliged in a due resentment of this mercy, and in discharge of that duty they owe

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to GOD, to the King's *Majesty*, to the publick peace of the Kingdom, and the good of His Subjects, To use all means for the due preservation of that peace and happiness they now enjoy under His Royal Government, and to prevent and supprese every thing that may tend to the renewing or favouring of these courses, by which, the late Rebellion hath been fomented and carried on; And conceiving, that the employing of persons of sound principles and entire loyalty, in all offices of trust and places of publick Administration, will conduce much to these ends: Therefore, and for quieting the spirits of His *Majesties* good Subjects, and begetting a confidence in them of their security for the future, His *Majesty* hath thought fit, with advice and consent of His Estates of Parliament, to Statute, Ordain and Enact; Likeas His *Majesty*, by these presents, doth, with advice foresaid, Statute, Ordain and Enact, That all such persons as shall hereafter be called or admitted to any publick Trust or Office, under His *Majesties* Government within this Kingdom; that is to say, to be Officers of State, Members of Parliament, Privy Councillors, Lords of Session, Commissioners in Exchequer, Members of the Colledge of Justice, Sheriffs, Stewarts or Commissaries, their Deputes and Clerks, Magistrates and Council of Borroughs, Justices of Peace and their Clerks, or any other publick Charge, Office and Trust within this Kingdom; shall at and before their admission to the exercise of such Places or Offices, publickly, in face of the respective Courts they relate to, subscribe the Declaration under-written: And that they shall have no right to their said Offices or Benefites thereof, untill they subscribe the same as said is; but that every such person who shall offer to enter and exercise any such Office, before he subscribe the Declaration, is to be reputed and punished as an usurper of His *Majesties* Authority, and the place to be disposed to another. Likeas His *Majesty* doth, with advice foresaid, remit to His Commissioner, to take such course as he shall think fit, how these who are presently in office may subscribe the said Declaration. And it is hereby Declared, that this Act is without prejudice of any former Acts, for taking the Oath of Allegiance, and asserting the Royal Prerogative.



Do sincerely af-

firm and declare, that I judge it unlawfull to Subjects, upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or those commissionated by Him: And that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawfull and seditious. And particularly, that these Oaths, whereof the one was commonly called, The National Covenant, (as it was sworn and explained in the year, one thousand six hundred and thirty eight, and thereafter) and the other entituled, A Solemn League and Covenant, were,

and

and are, in themselves unlawfull Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same. And that there lyeth no obligation upon me, or any of the Subjects, from the saids Oaths, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.

## VI.

## ACT for suppressing of Theft, Robberies and Depredations.



Ur Sovereign Lord considering, That notwithstanding the many laudable Laws made by His Royal Progenitors, for suppressing of Theft, Robberies, Depredations, &c. Yet some insolent persons have of late, and daily do commit several Out-rages, Thefts and Robberies upon the persons and goods of divers of His Majesties faithfull Subjects, to the dishonour of Religion, contempt of His Majesties Authority, and reproach of the Nation. And His Majesty being most willing to remedy these insolencies for the future, that so all His good Subjects may find the fruit and effect of His happy Restauration, in the safe protection of their persons, and secure possession of their goods; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, That whensoever any Oppressions, Heriships, Reifs, Sornings, Thefts, Robberies or Depredations shall happen to be committed within any part of this Kingdom, by whatsoever person or persons, the owner of the Goods away-taken shall immediatly after the way-taking of the same, by himself or some in his name, give intimation thereof to the Sheriff of the Shire or his Deputes, or any of the Justices of Peace or Constables within the Paroch out of which the Goods are taken, as can be most conveniently had; and which Sheriff, Justice of Peace or Constable, shall immediatly upon intimation foresaid, under the pain of being lyable in the restitution of the Goods away-taken, or payment of the value thereof, command and require all tensible persons within the said Paroch, to concur and go along with them in the pursuite of the said Goods and Way-takers thereof; and which persons are hereby obliged to obey under the pain foresaid. And in case it shall happen the saids Theives or Robbers, to pass through or rest in any other Paroch where the Justices of Peace, Constables, Heretors, Wodsetters and Fewers within the same are able to stop and oppose the carrying away of the saids Goods, then and in that case the saids Justices of Peace, Constables, Heretors, Wodsetters and Fewers, shall be themselves, tennants and servants, and such as they can command, make opposition, and seize upon the Goods and Drivers thereof; and shall

shall be oblieged upon complaint made to the Sheriff or his Deputes, or any of the saids Justices of Peace, by the owners of the saids Goods or any having power from the owner for that effect, to restore the saids Goods within fifteen dayes after the requiring thereof, and deliver or secure the Drivers and Way-takers thereof, that they may underly the Law. And in case the committers of the foresaid crime be so numerous and powerfull that they cannot be stopt and mastered by the Inhabitants of the said Paroch, then the saids whole fensible inhabitants shall be obliged, under the pain foresaid, to rise in Arms and follow and pursue them, and require all the fensible persons in any other Paroch they shall happen to pass through to joyn with them (and which persons shall be oblieged to do the same, under the pain of being lyable for the Goods or value thereof as said is) in the prosecution and recovery of the saids Goods, that so the Goods may be restored to the right owners, and the Depredators punished according to Law. It is likewise Statute and Ordained, That if the pursuer of the Goods shall not be able after all his utmost endeavours, with concurrence aforesaid, to recover the saids Goods and apprehend the Way-takers thereof, then and in that case the respective Heritors, Wodsetters and Fewers within the Paroch wherein the Goods shall be found to have been disposed of or sparpelled, shall be lyable for the value of the saids Goods according to their several interests. And further it is Statute and Ordained, That in case it shall happen the parties whose Goods shall be taken away, or those that are oblieged to rise with them in manner foresaid, to slay, hurt or mutilat in the said pursute, any of the Way-takers thereof or their associates; yet notwithstanding they shall never be drawn in question, nor lyable in any pursute, Civil or Criminal, for the said slaughter, mutilation or other hurt, but are hereby as freely remitted as if they had our Soveraign Lord's special Commission for that effect. And for the better suppressing of the foresaid Thefts, Robberies and Depredations, and punishing of the persons committers thereof, the Sheriffs in the respective Shires and their Deputes, are hereby strictly required to put in execution the power allowed to them by former Acts and Laws of the Nation, for pursuing and apprehending Robbers and Theives, with all other persons who have no certain residence nor known way of livelyhood, and that under the pains contained in the foresaid Acts *respectivè*. And for defraying of the saids Sheriffs and their Deputes their charges, and rewarding their pains, the Lands, Goods and Geer of the saids Theives and Robbers and their Ressetters, and the Ressetters of such persons as have no certain residence nor known way of livelyhood as said is, shall be made use of and employed, at least, so much thereof as the Lords of His Majesties Privy Council shall think fit upon consideration of the case.

And further it is Statute and Ordained, That the In-bringer of every Robber and Theef, after he is out-lawed and denunced Fugitive, shall have two hundred pounds *Scots* for every Theef and Robber

Robber so apprehended and brought in : And all Sheriffs of Counties and their Deputes, Magistrates of Burghs and Justices of Peace are hereby required to receive the said Theef or Robber off their hands without delay , giving the In-bringer of the said Theef or Robber a receipt thereof under his or their hands : To the end , he may repair to His *Majesties* Secret Council , and receive the reward afores-mentioned.

## VII.

*ACT for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.*



He King's most excellent *Majesty* taking to His consideration , how much His own honour , the general good of the Kingdom , and the par- ticular interests of His Subjects , of all ranks , within the same , are concerned , in the speedy and equal administration of justice ; and how ne- cessar it is , in order thereunto , that the Se- nators of the Colledge of Justice , who are the only ordinar supream Judges of this Realm , in all Civil causes , be provided with a competent and suteable allowance for the defraying of the charge and expence they are put to , in their attendance on the discharge of that publick Trust ; Hath therefore , out of His Princely care , thought fit to grant the saids Senators of the Colledge of Justice , an addition of ten thousand pounds *Scots* to be payed unto them yearly , and that over and above the former Annuity of ten thousand pounds granted by His Royal Grand-father , in the year one thousand six hundred and nine , or what hath been formerly granted to them in this or any other Parliament , or other- wayes doth appertain to them . And His *Majesty* considering , that this grant will much tend to the profit , advantage and good of His *Majesties* service and welfare of His Kingdom , Doth therefore , with advice and consent of His Estates of Parliament , appoint the same to be payed out of the Customs of this Kingdom : And for that end , His *Majesty* , with advice foresaid , and after mature deliberation had thereupon , dissolves , annuls and enfringes from the Crown and Patri- mony thereof , the annexation of the Customs of this Realm , in so far as the same may be extended to the said sum of ten thousand pounds , of the first and readiest of the Customs . And now after this dissolution , His *Majesty* , with advice foresaid , gives , grants , assignes and dispone to the saids ordinar Lords and Senators of the Colledge of Justice , and their Successors in the said Office and Trust , in all time coming , all and whole the sum of ten thousand pounds usual money

money of *Scotland*, to be uplifted and received by them, and their Collectors appointed by them, at two termes in the year, *Whitsunday* and *Mertimass*, by equal portions, forth of the first and readiest of His *Majesties* Customs, or any part thereof, from His *Majesties* Thesaurer, Deput-thesaurer, Receivers, Tacksmen, Possessors, Intromettors with the saids Customs, and others lyable in payment thereof, present and to come; beginning the first termes payment thereof from the feast and terme of *Mertimass* last by-past, one thousand six hundred and sixty one years, and so forth, yearly and termly thereafter at the termes foresaids in all time coming; charging heretore the said Thesaurer, Deputy-thesaurer, Receivers, Tacksmen, Possessors, Intromettors with the saids Customs, and others lyable in payment thereof, present and to come, to make thankfull payment at the termes of payment above-written, of the foresaid yearly sum of ten thousand pounds to the saids ordinar Lords of Council and Session, their Successors and Collectors in their names, out of the first and readiest of the saids Customs; and that they be preferred in payment thereof to all and whatsoever other person or persons pretending right to the saids Customs or any part thereof by pension, assignation, gift, or other right or disposition whatsoever. And likewayes commanding the Lords of Exchequer, present and to come, to allow the same to the payers of the said sum of ten thousand pounds, yearly and termly, in the first end of their accounts, upon sight of the saids Lords of Session, or their saids Collectors acquittance upon payment thereof. And also, His *Majesty*, with advice and consent foresaid, Decerns and Ordains His *Majesties* Thesaurer, Deput-thesaurer, Receivers, Tacksmen of, and Intromettors with, the saids Customs, present and to come, to become enacted themselves and find sufficient caution, acted in the Books of Council and Session, for the yearly payment of the forelaid sum of ten thousand pounds to the saids Lords of Session and their Successors, or their Collectors, at the termes and in manner above-exprest: And at the decease or dimission of any of the persons so enacted, that the next entrant shall become enacted, and find caution to the effect foresaid. As also, at the setting of any new Tacks, the Tacksmen find caution to the effect foresaid; otherwayes, the saids whole Tacks to be null, and the nullity thereof to be decided by way either of action or exception: And that Letters and Executorials of Horning, upon an charge of ten dayes, be directed against them, by deliverance of the saids Lords of Session, for payment of the said sum of ten thousand pounds in manner above-written. And Decernes and Ordains, That no Suspension be granted in this matter, to whatsoever person or for whatsoever cause, by the Lords of Parliament, Lords of Exchequer, or other Judge whatsoever, except upon consignation of the sums charged for, or production of sufficient acquittances; and that the saids ordinar Lords and Senators of the Colledge of Justice are, and shall be, only Judges for discussing of the saids Suspensions, discharging all other Judges of granting Suspensions, concerning the premisses and discussing of the same, and of their Offices in that part for ever. And to the

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foresaid Disposition and Assignation of ten thousand pounds, and to the whole Heads and Articles of this Act above-written, His Majesty and Estates of Parliament interposes their Consent and Authority, as to an Act which doth highly concern the good and welfare of the Nation. And His Majesty, for His Highness and His Successors promises, *in verbo Principis*, never to impugn or quarrel the same, nor come in the contrair thereof, directly nor indirectly, in time coming, and the like execution being granted by Act of Parliament in the year, one thousand six hundred and nine, for payment of the ten thousand pounds then granted to the Lords of the Session; it is hereby appointed by His Majesty and the Estates of Parliament, That in time coming they be paid together; and that all the execution contained in this or that former Act shall pass, and be allowed for payment of the whole twenty thousand pounds *Scots* yearly, as fully as if the said twenty thousand pounds had been granted together, and in one sum, and that this Act had been expressly made and granted for the same.

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## VIII. THE KING'S MAJESTIES GENERAL REVOCATION.

**R** The Estates of Parliament having considered His Majesties Revocation, past under His Royal hand, and this day presented to them by His Majesties Advocate, Do Ordain the same to be recorded in the Books of Parliament; whereof the tenour followeth.

CHARLES R.



WE CHARLES, by the Grace of GOD, King of Great Britain, France and Ireland, Defender of the Faith, taking to our consideration, That during the time of the late troubles, and by occasion thereof, many Writs, Declarations, Ratifications and other Deeds may have past our hands, to the prejudice of the Church, our Estate, Patrimony, and just interest of our Subjects, and derogatory to our honour, the privileges of our Crown and dignity of our Person, either before we attained to the age of twenty one years or thereafter; as also, that many Deeds might have past our Royal Fathers hands during the late wars, to the enorm hurt and lesion of His Sacred Majesty, in all the particular wayes above exprest, which by the Laws of this our Kingdom can no wayes be binding or obligatory against us, but by vertue of the saids Laws may be revoked. And seeing, before our return to the Government of our Kingdoms, in May one thousand six hundred and sixty, We had not the fit occasion of

Fudicators

Judicatories within this our ancient Kingdom, to whom we (according to the practice of our Royal Ancestors) might have directed our Revocation of such deeds: Therefore, now after that we are, by the blessing of Almighty GOD, returned to the exercise of our just, lawfull and royal Authority, do, by these presents, Revoke, Cass, Annull, Retreat and Rescind all Acts of pretended Parliaments, Conventions or Councils, Declarations, Treaties or Ratifications of the same; and all and sundry Infestments, Charters, Gifts, Donations, Dispositions, Confirmations, Pensions, Tacks, Assedations, and other Rights and Deeds whatsoever, conveyed, signed or consented to by us, to whatsoever person or persons, of any Rents, Lands, Teinds, Patronages, Offices, Few-farmes, Casualties, Priviledges, Services and others whatsoever which the Laws and consuetude of our said Realm alloweth us to Revoke, either past by us in our minority, or since, at any time presiding the twenty ninth day of May, one thousand six hundred and sixty, or by our Royal Father of glorious and blessed memory, at any time since the year, one thousand six hundred and thirty seven, to the hurt or prejudice of the Church, His or our Honour, Estate, Patrimony, Priviledges of our Crown, Dignity of His or our Person, or just right and interest of our Subjects. And We Will and Declare, and by our Sovereign, Royal Authority Ordain, That these presents shall be as amply extended, and of as great force, strength and effect, in general and in special, as any Revocation made by any of our Royal Predecessors, contained in the Books and Records of Parliament, which in all heads, clauses and circumstances thereof we Will and Ordain, to be holden as here repeated. And We Will and Ordain these presents to be as valid, legal and effectual to all intents and purposes, as if the same had been done and registerate in the Books of Parliament before our age of twenty five years; Protesting solemnly, that the omission thereof, nor our absence forth of our said Kingdom of Scotland, at this time, nor want of other Solemnities whatsoever, shall be no prejudice to us aenent this present Revocation, with all which we do dispence, and do supplic all defects thereof by our Kingly Power and authority Royal; Declaring also, that albeit we, of favour and benevolence, and for any respect or consideration whatsoever, suffer any person or persons to use and enjoy any Priviledges, Possessions, Lands or Rents, Offices or any other thing falling under the compass of this our Revocation, the same shall make no right to the users or holders thereof, unless the same had been granted or confirmed by us since the twenty ninth day of May, one thousand six hundred and sixty, or shall be of new confirmed by us in any time hereafter: But it shall be lawfull to us and our Successors to intromet therewith, when we or they please, but any contradiction, and that by vertue of this our Revocation, and Acts and Constitutions of our Realm. And we do Declare, that the Gifts or Confirmations made and granted by us since the twenty ninth day of May, one thousand six hundred and sixty, and such as shall be granted or confirmed by us at any time hereafter, are not, nor shall not be, comprehended within this Revocation, but are excepted out of the same; which Revocation we Will and Ordain to be intimate, insinuate, declared and registerate in the Records

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of this present Parliament now sitting in Edinburgh, and holden by our trusty and well beloved Cousin and Councillor, John Earl of Middle-ton, Our Commissioner in Our Name and by Our Authority. Given at Our Honour of Hampton-Court, the fourteenth day of July, one thousand six hundred and sixty two, and of Our Reign the fourteenth year.

And His *Majesty*, with advice and consent of His Estates of Parliament, doth Declare, that this Revocation is to be extended to all and whatsoever Deeds done in hurt and prejudice of whatsoever Lands, Lordships and others annexed to the principality, or to the Prince who is second Person in this Realm. And for the clearing and further satisfaction of the Subjects, as to that clause, by which all and whatsoever Rights and Deeds, made and done by His Royal Father, are Revoked, which the Laws and Consuetude of this Kingdom allow His *Majesty* to Revoke; His *Majesty*, with advice foresaid, doth Declare, That all such Deeds are only thereby to be Revoked and Rescinded which were made against the Law and Acts of Parliament in force, before the year one thousand six hundred and thirty seven; And that this general Revocation shall be without prejudice to His *Majesty* to make a more special Revocation hereafter, if His *Majesty* shall think fit so to do.

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IX.

*ACT anent the Teinds belonging to Bishops and other beneficed persons.*



Orasmuch, as by the King's Decree arbitral, in the moneth of one thousand six hundred and twenty seven years, His *Majesty* found, upon the submission made by the Bishops and other Clergy, that the *quota*, or rate of all Teinds pertaining to the Bishopricks and other Benefices which falleth under the Submission, should be the fifth part of the constant rent of Stock and Teind. In which Submission, there is an express Clause, that the Bishops, and others of the Clergy, should enjoy the fruits and rents of their severall Benefices, as they were possessed by them the time of the said Submission. By which provision it appears, that whatsoever Teinds, Personage or Vicarage, they were in possession of, by leading and drawing the same, or by rental Bolls, they were not at all to be valued by the Heretors thereafter. Likeas, till the year one thousand six hundred and fourty one, none of the saids Teinds, possessed by the Bishops and other beneficed persons, were valued and approven by any Commission, unless by consent or collusion, none making opposition thereto. And it being reasonable, that the Rights and Priviledges belonging to the Church men in the year one thousand six hundred and thirty three, should be restored to them: Therefore, the King's *Majesty*, with advice and consent of His Estates of Parliament, Statutes and Ordains, all valuations

valuations of the Teinds, whereof the Bishops and other beneficed persons were in possession, as said is, led by any pretended Commission for valuation of the Teinds, since the year one thousand six hundred and thirty seven, to be void and null in time coming; and that the saids Bishops, and other beneficed persons shall enter to the said possession of rental Bolls, and leading of the saids Teinds, Personage and Vicarage, this cropt and year of God, one thousand six hundred and sixty two years, and in time coming; Providing alwayes, likeas it is hereby provided, that the Heretors of such Lands, whereof the Teiths belongs to the Archbishops, Bishops, and other beneficed persons, being Ministers, and were set in tack, the time of their submission to His Majesties Father of blessed memory, shall be in that same place and condition they were in, by the Decreet arbitral pronounced thereupon, and by the nineteenth Act of the Parliament held, Anno, one thousand six hundred and thirty three, Entituled, *Commission for valuation of Teiths, &c.* and shall have the full benefit thereof.

## X.

### *The King's Majesties gracious and free Pardon, Act of Indemnity and Oblivion.*



He King's most Excellent Majesty considering, that by the late troubles, divers of His Subjects, of this His ancient Kingdom of *Scotland*, have fallen under, and are involved in many great crimes, faults, offences and other deeds of commission & omission, whereby they have contravened the laws of this Kingdom, and thereby rendred themselves liable to the pains, penalties and censures due thereto: And being most desirous, that a perfect Peace be settled in this Kingdom, and that all His good Subjects may be sensible of, and enjoy the happiness and blessings of His Goverment, and that no crime, offence or other deed whatsoever, committed against His Majesty or His Royal Father of blessed memory, or by any of His Majesties Subjects against another, in relation to the late troubles, shall hereafter rise in judgment, or be brought in question against any of them before any Judge, Civil or Criminal, to the prejudice either of their lives, estates, offices, privileges, liberties or reputations: But that all seeds of future differences, and remembrance of former proceedings, may as well by His Majesty, as by His Subjects one towards another, be forgotten; and that all names of reproach or distinction which have been used, or may revive the memory of the late differences, be buried in Oblivion. Therefore, His Majesty, of His signal Prudence, Grace and Goodness, Doth, with advice and consent of His Estates of Parliament, Declare, Statute and Ordain, That all maner of Treasons, Rebellions, Murthers, Offences, Crimes, Contempts, Injuries, Misdemeanors and all other Deeds, as well of commission as omission, commanded, acted or done by any person or persons,

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by vertue of any power or warrand of any pretended Parliament Council or their Committees, Commanders of Armies, or others pretending Authority, under whatsoever title, name or designation, since the first day of *January*, one thousand six hundred and thirty seven years, and before the first day of *September*, one thousand six hundred and sixty, ( other then such as are hereafter excepted in their present *Act* ) be and are hereby *Pardon*ed, *Released*, *Indempnified* and *Discharged*; and that all and every person and persons or incorporations, acting, advising, assisting or abetting the same, and their Heirs, Executors and Successours ( except as shall be hereafter excepted ) are hereby *Pardon*ed and *Indempnified*, and *Discharged* thereof, and of all pains of forfeiture, death, fines, imprisonment, banishment, and other pains, penalties, action and question, Civil or Criminal; and of all Decrees, Sentences, *Acts* or Orders past thereupon, and all other damage, prejudice and inconveniencies whatsoever, they or any of them might or may be lyable unto for the same. All which Pains, Sentences and others foresaids, are hereby declared void and null in all time coming; and that this free and general *Pardon*, *Indempnity* and *Oblivion*, shall be as effectual in Law, to every one of His *Majesties* Subjects, and bodies politick and incorporat, and person or persons whatsoever, in, for and against all things, ( which be not after excepted ) as if the saids Persons, Crimes, Offences, Injuries, Deeds, Misdemeanours, Penalties, Decrees, Sentences and Orders, had been specially and particularly here insert, and in express words *Pardon*ed and *Released*; and that none be hereafter, in any maner of way pursued or questioned for the same, but that these presents shall be in all cases, in judgment and out with the same, a sufficient defence and exoneration to all parties concerned: *Discharging* hereby all and sundry Judges, Civil and Criminal, to give order for intenting any Proces, either at the instance of His *Majesties* Advocat, aganst the Subjects, or at the instance of any of the Subjects against another, for any of the saids crimes, faults, offences or other deeds, or to proceed in any proces already intended, or to be intended thereanet. And his *Majesty*, with advice foresaid, doth hereby Statute and Ordain, That every clause and word, in this present *Act*, be understood and interpreted in the most favourable sense the expression may bear, for *Indempnity* of the whole persons who may have interest therein; Excepting always from this present *Act*, and the *Pardon* & *Indempnity* therein contained, all such persons ( if any be ) who were guilty of, and accessory to, any previous transactions and bargains of money, for carrying on of that procedor concerning His *Majesties* Person, condemned by the tenth *Act* of the first Session of this present Parliament; & excepting all such, ( if any be ) who upon any contrivance were art and part of the horrid murther of His late *Majesty* of blessed memory: And sicklike, Excepting all private murthers, thefts, witch-crafts, incests, buggeries, briberies, forging of false Writs, perjuries, usuries, and other crimes of that nature, not relating to the late troubles; and the Accounts of all such persons as have intromettet with any of His *Majesties* Revenues, publick Impositions, Excise, Fines, Forfeitures

tures, Sequestrations, and all other publick money, for which they had not Order, Warrant or Assignment, (for their own private use) or for which they have not duly counted, and received Discharges thereof, from such as pretended to have the Authority for the time, to do the same; And also Excepting all such persons who have been forfeited, or declared Fugitives, in this present Parliament, or by the Committee of Estates, since *August* one thousand six hundred and sixty. And particularly, Excepting the Decrees of forfeiture against *Archibald Campbell*, late Marques of *Argyl*, *Archibald Johnstoun*, sometime called Sir *Archibald Johnstoun of Warristoun*; *John Swintoun*, sometime called of *Swintoun*; *James Guthery*, *William Govan*, *John Home* and *William Dundass*, *James Campbell*, sometime called of *Ardkinglass*; and *James Campbell*, sometime called of *Ormsay*; which Decrees are to stand in full force and have further execution, conform to the tenours thereof. And sicklike, Excepting all Decrees, Sentences, Assignments and Orders, past, given and renewed by this present Parliament, in favours of any person or persons; And but prejudice of the generality foresaid; Excepting such persons, as to the payment of such sums of money, as are respectively express in another Act, past in this Parliament, Entituled, *Act concerning some exceptions from the Act of Indemnity*.

## X I.

*ACT Salvo jure cujuslibet.*

Ur Sovereign Lord, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore, His *Majesty*, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in manner foresaid, shall not prejudge any third party of their lawfull rights, nor of their actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be oblieged to judge betwixt parties, according to their several rights, standing in their persons before the making of the saids Acts. All which are hereby exponed and declared to have been made *Salvo jure cujuslibet*.

## X II.

*ACT of Adjournment.*

He King's *Majesty* Declares this Parliament current, and adjourns the same to the twentieth day of *May* next to come; ordaining all Noblemen, Commissioners from Shires and Burroughs, and all others having interest, to attend that day; and that there be no new election in Shires or Burroughs, except upon the death or incapacity of any of the present Commissioners.

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